

**MINUTES OF THE MEETING MAY 3, 2010**

PRESIDENT PRO TEM SMUCKLER: I'd like to call this meeting of Canton City Council to order. While we're all taking our seats, please put your cell phones on the off or vibrate position so no one is interrupted here this evening. Roll call.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present and healthy Mr. President.

PRESIDENT PRO TEM SMUCKLER: Well what about Schulman?

CLERK TIMBERLAKE: Well Council Members.

PRESIDENT PRO TEM SMUCKLER: Yeah I know. *(Laughter)*

**EXCUSING MEMBERS**

PRESIDENT PRO TEM SMUCKLER: Motion to excuse the Council President.

MEMBER DOUGHERTY: Mr. President, I move we excuse Council President Schulman.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to excuse Council President Schulman. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Council President Schulman is excused. We will be led in the Invocation by Council Member West and would you please rise and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, May 3, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 2 Council Member, Thomas West. The Pledge of Allegiance led by President Pro Tem Smuckler.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM SMUCKLER: Member Dougherty, I will entertain a motion for Agenda corrections and changes.

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MEMBER DOUGHERTY: Mr. President, I'd like to suspend Rule 22A and add 2<sup>nd</sup> Reading Ordinances 3 through 8.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to add 2<sup>nd</sup> Readings of Ordinances 3 through 8 to the Agenda. Any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Ordinances 3 through 8 are now a legal part of the Agenda..

**PUBLIC HEARINGS**

PRESIDENT PRO TEM SMUCKLER: We are now on Public....there are no Public Hearings.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMUCKLER: Public Speaks, City Business only, we have 3 people signed up this evening for Public Speaks. Remind each speaker to please come up, give their name and their address before they say what they have to say. First speaker will be Tabitha Blackford.

TABITHA BLACKFORD: My name is Tabitha Blackford, I live at 616 Lymon Court NE, Canton, Ohio.

PRESIDENT PRO TEM SMUCKLER: I invited Tabitha down here this evening because Tabitha called me at 3:54 AM this morning and Tabitha, I did pretty well, I got it on the first ring didn't I?

TABITHA BLACKFORD: Yes you did.

PRESIDENT PRO TEM SMUCKLER: Tabitha, will you start a few weeks ago, how you happened to call me and several other Council People a couple of weeks ago, what happened.

TABITHA BLACKFORD: I was at home, I just moved in to a Habitat house that I had built and purchased about a month and a half ago. And three weeks after I moved in, there was a loud storm that was going on and that morning I woke up like I do normally everyday to get my daughter up and as I turned the light on to go into her room, there was holes through her walls. I'm looking around and there's holes in my living room and I go back into my daughters room and there's a hole in her door. So...

PRESIDENT PRO TEM SMUCKLER: Take a deep breath because this is important for this City.

TABITHA BLACKFORD: As I went in her room to go look behind the door, I find a bullet on her floor. When I realized someone had shot the night before into my house while we were all sleeping. So I ran over to check to see if she was okay because she didn't even hear it, nobody heard it. She was fine of course. So, I called the police they said they would have somebody come out, it took them an hour to get to my house after I told them there was a bullet in my house and it was in my daughter's room. After they came out, they

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did the report and the crime scene people came in and did the crime scene pictures and stuff. And about two weeks after that, there was another incident where I was in the house with the children and all the sudden I hear I hear a big bang and there was being...I went outside after 10 minutes of getting the kids into their rooms and I find there was huge rocks being thrown at my house and the doors dented and everything. I called the police again so somebody would come out to see what was going on to see if it was related to the one before and they told me that they were not going to send any police out to check on my house because they were going to take the report over the phone, they didn't need to send anybody out. Two weeks after that, just last night, it's two o'clock in the morning, you know we were sleeping fine, all the sudden I hear banging really loud. I mean extremely loud, I'm surprised nobody else woke up in the neighborhood. I jump up, grab my phone because I knew I was gonna have to call the cops. I grab my phone, jump up, I grabbed a rolling pin, I don't know why and I'm just....I was so fed up with what was going on. I didn't know what I was going to do but I jump and go in my living room and peek out the window, there's a man there, standing there banging my porch. He completely ripped out the one side of my porch trying to get my grill and he got my porch furniture off. After 10 minutes, he was...I turned the light on and he ran away. Ten minutes after that I was on the phone with the police and they informed me they were gonna send somebody out. Ten minutes went by and I hear a banging on the side of my house again, so I'm thinking he's trying to get in my house now. So, I didn't know what to do and the police call me back they say, "Well, we're going to send somebody right out." That's just 10 minutes after I already called them. They called me again and said that if the man leaves call us back and let us know. So....

PRESIDENT PRO TEM SMUCKLER: Tabitha, when the police did show up, which was approximately 20 - 25 minutes later, when you said to them "Could you patrol the neighborhood?" What did they say to you?

TABITHA BLACKFORD: He told me "Well we're all in a recession right now and we can't have all the cops patrolling the neighborhood, we don't have enough cops to patrol the neighborhood." I said, well I see 3 or 4 cops on the freeways pulling people over constantly. And you can't have one cop car to take care of the neighborhood when there's children and innocent people trying to make a life for our families. He said well, we can't do anything about that.

PRESIDENT PRO TEM SMUCKLER: Tabitha, you're a single parent family, is that correct?

TABITHA BLACKFORD: Yes.

PRESIDENT PRO TEM SMUCKLER: How old are your kids?

TABITHA BLACKFORD: My son is 19 months with medical disabilities and my daughter is going to be 4 in November.

PRESIDENT PRO TEM SMUCKLER: How old is the house that you're living in?

TABITHA BLACKFORD: Two months.

PRESIDENT PRO TEM SMUCKLER: Two months old? And you called me at 3:54 this morning, upset, frustrated and scared right?

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TABITHA BLACKFORD: Uh huh.

PRESIDENT PRO TEM SMUCKLER: I...is there anything else you want to say to Council, and I'd ask you to please remain for Miscellaneous Business and the Council Meeting is not going to be that long tonight. But go ahead, what else would you like to say?

TABITHA BLACKFORD: Just one thing, there's been a lot of abandoned houses around my area, there's 3 in particular behind my house that they could easily go and run and hide if they wanted to, to watch my house, to track my every move, to monitor me on how I go on a day to day basis. And they need to be torn down, it's not making it any easier for these criminals to have abandoned houses to go run into and hide, you know, if they're just sitting there. So, you know, they need to be torn down and it needs to be done soon.

PRESIDENT PRO TEM SMUCKLER: And I came out there a few weeks ago and you showed me the houses and the porch. I know you have someone there from Habitat with you, are we going to get the porch fixed Beth? We are going to get the porch fixed?

TABITHA BLACKFORD: Yes.

PRESIDENT PRO TEM SMUCKLER: Thank you, if you could hang on until Miscellaneous Business, I appreciate you, and I know it took a lot of courage to come down here tonight and to say this.

TABITHA BLACKFORD: Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you. Second speaker, Rhoderick Simpson.

RHODERICK SIMPSON: My name is Rhoderick Simpson, 2608 Kirby Avenue, NE, Canton, Ohio. I come before you today to ask questions about the \$495,000.00, the grant money. I was aware of, it was in Committee, I understand that, I understand the pros and cons about doing this swim park. And the other day, I was at Church talking to some kids and a lot of these kids was saying they need somewhere to go. They looking for a better recreational program here in this City. Not the parents, not the Political components but kids. They're getting down to a point where kids are looking at us for leaders, looking at for leadership. I think that this program need to be put in place. I feel that at Southeast Community Center, it can help revitalize that neighborhood. I understand that y'all doing an assessment about the Southeast Community Center but at the end of the day when you look at this, it falls down about kids. Now, we gotta have some compassion about these kids because I have too many people coming up to me asking when we gonna have a swim pool. One minute it's about a swimming pool, that issue was in another political campaign, two of them. But around this community people are asking a question. If you turn this money back in, what's gonna happen, you gonna send the wrong signal back to the community. I ask that this Council, including the Administration will come together and come to some type of decision about what would take place with this \$495,000.00. We can't afford to send no money back, we already having hard times. But we can at least do something about our kids. This is the foundation, they are the future leaders of our community tomorrow and we can at least start now. Thank you.

PRESIDENT PRO TEM SMUCKLER: Next speaker signed up, Kathryn Ramsey.

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KATHRYN RAMSEY: Good evening, my name is Kathryn Ramsey, and I live at 2322 16<sup>th</sup> Street, NE in Canton. Thank you for having us here tonight to speak. First of all, I'd like to say my prayers go out to Tabitha, it breaks your heart to hear somebody has to live like that, as almost a hostage in this day in age. Today I spoke with a neighbor, he called me, I didn't call him. His mother is in her 90's, she's had both legs removed, I think both legs, she's a total invalid. And she lives right next, in fact he told me it's ten feet from his house to this vacant dilapidated house and he says he's been trying to get this house torn down but they tell him the house is in bankruptcy and all this other crap that you can't tear a house down. It reminds me of Mayor Purses, where is he, bring that bulldozer, let's go get them. You know, I mean, I'm asking how are the houses that are going to be torn down, how are they chosen? Is it, does it depend on which Councilman makes the most noise or does it depend on, like say, one Ward has one house that needs to come down, are they going to get that house taken down but another Ward has boocoo numbers of houses that need to come down but they don't get demolished simply because your Councilman is not making enough noise. I mean, that's what they were saying, according to the Repository it sounds like, whoever makes the most noise gets the most houses torn down. I really don't think that's a good policy. We need to clean the City up. I've spent the last three weeks cleaning the bank down the alley from St. Paul's Place, I did it myself. When the trash men came Thursday morning, I had 4 huge boxes and 4 garbage bags of trash that I picked out of the alley. These vacant houses, we have garbage cans with food sitting in them, where people have moved out and left it, I can't lift it. Somebody has...one of the neighbors has called to get the food removed, it's still there. They came Thursday morning, they lifted the lid off that I put on to keep the flies out to keep the maggots from blowing the food, they took the lid off and threw it on the ground and went on, it's still sitting there, it needs removed. Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you. That concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMUCKLER: We are now under Informal Resolutions. Resolution #32.

#32. COUNCIL AS A WHOLE: SUPPORTING S.3206 "KEEP OUR EDUCATORS WORKING ACT OF 2010". - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Councilman Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution 32.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Resolution #32. Is there any discussion?

MEMBER DOUGHERTY: Can I have that read please.

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CLERK TIMBERLAKE: *Whereas:* Canton City Schools are currently using federal stimulus money to stay afloat and those funds will end in 2011; and *Whereas:* The passage of Keep Our Educators Working Act of 2010 would provide \$23 billion to States and school districts to help save jobs, \$1.8 million of which would go to Canton City Schools for each of the next two fiscal years; and *Whereas:* The Bill, S.3206 is designed to establish an educational jobs fund and would provide allotments to states to award local educational agencies and public learning institutions funds that would require the use of these funds to retain or create educational jobs; and *Whereas:* With the granting of these funds, approximately 9,990 teaching positions may be saved in Ohio alone with 256,771 on a National level; and *Whereas:* The money in S.3206 will not prevent Canton City Schools from making additional cuts, nor will it make an eventual levy unnecessary but is critical to the health of this school district and the performance in our classrooms. **NOW THEREFORE BE IT RESOLVED:** that we, the Members of Canton City Council do hereby go on public record to support and encourage the passage of **KEEP OUR EDUCATORS WORKING ACT OF 2010** to ensure educational opportunities for Canton City Schools

PRESIDENT PRO TEM SMUCKLER: You've heard the reading by voice vote, all those in favor, signify by saying aye. All those opposed.

NO REMARKS

RESOLUTION #32 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. Resolution #32 is adopted. Is there somebody going to be presenting that or mailing it off or?

MEMBER DOUGHERTY: We'll give it to them.

PRESIDENT PRO TEM SMUCKLER: We'll give it to them? Okay, Resolution #33.

#33. PERSONNEL COMMITTEE: AUTHORIZE APPT OF DR. ANJU MADER TO CANTON CITY BRD OF HEALTH COMMENCING UPON COUNCIL APPROVAL & EXPIRING 5 YEARS LATER. - ADOPTED

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 33.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Resolution #33. Is there any discussion? By voice vote, all those signify by saying aye. All those opposed.

NO REMARKS

RESOLUTION #33 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. Resolution #33 is adopted.

COMMUNICATIONS

PRESIDENT PRO TEM SMUCKLER: We are now under Communications. Communications are received as read.

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***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 3, 2010.***

192. DEVELOPMENT DIRECTOR TORRES: REQ \$450,000.00 SUPP APPROP FROM UNAPPROP 2211 506010 ECONOMIC DEV GRANTS/LOANS FUND TO: 2211 506010 ECONOMIC DEV GRANTS/LOANS FUND. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
193. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$175,000.00 FOR COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROGRAM FOR RETRO TERM OF 1/1/10 - 12/31/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
194. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO ACCEPT & APPROP \$116,000.00 FIRE PREVENTION GRANT FOR PURCHASE OF 2,000 TEN YR LITHIUM SMOKE DETECTORS & 1,000 FIRE EXTINGUISHERS FOR PUBLIC DISTRIBUTION. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM SMUCKLER: Pressing on to First Reading of Ordinances. Ordinance #1 for First Reading.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #2 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 85/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN AMENDMENT TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE NEIGHBORHOOD STABILIZATION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR THE REMOVAL OF NOXIOUS WEEDS AND DEBRIS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

***(COUNCIL RECESSED AT 7:52 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #1; RECONVENED AT 7:57 P.M.)***

PRESIDENT PRO TEM SMUCKLER: That ends Community Development. I call this Council Meeting back to order.

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Mr. Majority Leader.

MEMBER DOUGHERTY: I move we suspend Rule 22A to place Ordinance 1 back on this evening's Agenda.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to place Ordinance #1 back on the Agenda. Is there any discussion? Roll call vote.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we suspend the Statutory Rules on Ordinance 1.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to suspend the Statutory Rules of Ordinance #1. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 1.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #1. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#1 ADOPTED AS ORDINANCE 85/2010**

PRESIDENT PRO TEM SMUCKLER Ordinance #1 is now adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM SMUCKLER: Ordinance #3.



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CLERK TIMBERLAKE: Second Readings.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #3 THROUGH #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #3. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 86/2010** AN ORDINANCE AMENDING ORDINANCE NO. 42/2009; AND DECLARING THE SAME TO BE AN EMERGENCY (CHANGE LANGUAGE “THE GROUP WORKCAMP FOUNDATION” TO “HAMMER & NAILS, INC.”)
- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ECIVIS, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$19,132.00 UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR ESTABLISHING A GRANTS RESEARCH AND MANAGEMENT SOLUTIONS SERVICE FOR LOCAL NON-PROFIT ORGANIZATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
- MEMBER DOUGHERTY: Excuse me Mr. President. Excuse me can we go back to....
- PRESIDENT PRO TEM SMUCKLER: Yeah, we’re going to go back after all the Second Readings are done. It was my fault, I told her to do this but, go on.
- #5. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, EXECUTE THE GRANT AGREEMENT, AND ACCEPT AND DISTRIBUTE FUNDS FOR A GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6. (2<sup>ND</sup> RDG) \_\_\_\_\_ AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING ALL OF LOTS 28946 AND 41987; AND DECLARING THE SAME TO BE AN EMERGENCY (1443 COTTAGE PL NW - DENNIS HOFFNER)
- #7. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 87/2010** AN ORDINANCE DECLARING 95 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE - PERSONNEL SERVICES - \$50,000.00)

PRESIDENT PRO TEM SMUCKLER: Member Dougherty, Ordinance #3 and going back.

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MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to dispense the Statutory Rules of Ordinance #3. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: You've heard the three readings Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance #3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #3. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#3 ADOPTED AS ORDINANCE 86/2010**

PRESIDENT SCHULMAN: Ordinance #3 is adopted. Going back to Ordinance #7, Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 7.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to dispense with the Statutory Rules for Ordinance #7. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 7.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #7. Is there any discussion? Member Dougherty.

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MEMBER DOUGHERTY: Yes, I move to amend Ordinance 7 with the Amendment in front of everyone, basically, we're just going to go out and advertise and receive and bids, we are not going to enter into contract. So that's what the Amendment is about, so we can see where we're at with how much it's gonna cost for this before we go into contract.

MEMBER PRATER: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 7 as follows:*

*The phrase "advertise and receive bids or solicit requests for proposals" is to be substituted for the phrases "enter into contract" and "enter into individual contracts" appearing in the caption and Section 2 respectively.*

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to amend Ordinance #7. Is there any discussion? On the Amendment, by voice vote, all those in favor signify by saying aye. All those opposed to the Amendment.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: Now before you, the Ordinance as amended. Any discussion?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 7 as amended.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #7 as amended. Any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#7 ADOPTED AS AMENDED AS ORDINANCE 87/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #7 is adopted as amended.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT PRO TEM SMUCKLER: Third and Final of ....Final Third Readings of Ordinances.

#9. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 88/2010** A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING

**MINUTES OF THE MEETING MAY 3, 2010****ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY**

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 9.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance 9. Is there any discussion?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I did an extensive study over this as well as I'm assuming most of my other Council...fellow Council Members did and I think a lot of it has been possibly the economy and what have you. But there are some things that we need to be abreast and aware of and watched closely when they come back for some of these reviews. So, I just wanted to have that on for the record sir. Thank you very much.

PRESIDENT PRO TEM SMUCKLER: Thank you Member Cirelli. Any further discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 88/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #9 is adopted. Ordinance #10.

#10. (3<sup>RD</sup> RDG) ***POSTPONED UNTIL 5/10/10 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER AND INTERFUND AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE & MOTOR VEHICLE DEPT)***

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 10.

MEMBER PRATER: Seconded.

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PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #10. Is there any discussion, Member Dougherty?

MEMBER DOUGHERTY: I move we postpone Ordinance 10 until May 10<sup>th</sup>.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to postpone Ordinance #10 to May 10<sup>th</sup>, Is there any discussion?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Yeah, the Finance Chairman needed some additional time, we talked about this in Committee Meetings.

PRESIDENT PRO TEM SMUCKLER: Any further discussion. By roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The Ordinance is postponed.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMUCKLER: We are now under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President, There's only one Committee Meeting for next week, Monday, May 10<sup>th</sup> the Finance Committee will meet at 6:45 P.M.

PRESIDENT PRO TEM SMUCKLER: Announcement of Committees we've had.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM SMUCKLER: We are under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Oh did I miss something? Member Prater.

MEMBER PRATER: Miscellaneous Business.

PRESIDENT PRO TEM SMUCKLER: Sorry, Member West first. Hard to hear in here sometimes.

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MEMBER WEST: Mr. President, several weeks ago I talked about being....feeling like chicken little, you know, the sky is falling. And we talked about all the activity going on in Ward 2. And we got a quick response in the Gibbs area, with a lot of police to address some of the shootings that were going on in there. Simultaneously, the same activity was going in the Northeast section down by Sandal Place, where....and it really drives me crazy when I hear statements like Tabitha had mentioned in reference to an hour, two hours. A lady came to my office also last week about a gun that she had reported to the Police Department. She said it took them 2 ½ hours to go out there and get it. I spoke to the Chief about that and he said he was going to be on it and address it right away. But I think what's happening is, you're finding that these...these knuckleheads, for lack of a better word or gang members are going from the Gibbs area down to Sandal Place area back and forth for something to that nature. The same time we had shootings going on and got a bullet hole in the church and I'm just asking that the \$50,000.00 that we're looking to put into police contr....or police, that some of that money go down to patrol that Northeast section, specifically in the Sandal Place area and throughout that area. Thank you.

PRESIDENT PRO TEM SMUCKLER: Member Prater.

MEMBER PRATER: Yes, I have a comment and a question for the Service Director. I wanted to officially thank the Service Director for his prompt attention in helping me clean up some trash down in the 5<sup>th</sup> Ward a couple weeks ago. So, I do appreciate your effort on that. My question is, I've heard possibly some rumors now that the Sanitation Department is charging for a larger then normal load but we're not discounting for a smaller then normal load. So, I have a question as to, what are we doing out there?

SERVICE DIRECTOR PRICE: Mr. President, Member Prater, we...we have our established rates that are set by Ordinance. I'm not aware that we are actively charging for extra loads. We have unlimited trash service, I will look into that, I'll ask the Superintendent and follow up. But I'm not aware that we're charging extra for extra trash.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I apologize for my voice, I had a scope and it's come back. And Mayor, I thank you very much for welcoming me back. I have an article in the paper today and I have to apologize, Mayor because I was not able to hear your State of the City's address and it caught my eye when you stated here they quoted you today it said "The message is clear, if you continue to put our residents' safety in jeopardy, we will come after you and come after you hard." I was delighted to read that in the paper, however, you and I both know those gang bangers and those people don't read the papers much. And (*inaudible*) Channel 11 and 15 was in auspices, one gentleman had called to make his apologies to you that he did not have the opportunity, he had contacted someone in your office and they referred him to me to have him....so they could come down and tape your State of the City speech and I never got that call and to be able to allow that to occur so it could have been on television cause that would have been a more positive thing. But he did say something about the fact that if your office did contact him, perhaps they could read it or something and have it out there. And maybe that would be a positive thing to move there so that, you know, every once in awhile people want to see what's happening around Canton. And maybe if they heard those words, that would add that much more emphasis to it. So I did want to, you know, tell you what exactly occurred on that issue.

PRESIDENT PRO TEM SMUCKLER: Anyone else under Miscellaneous Business?

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MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mayor Healy.

MAYOR HEALY: Thank you and thank you Council Woman Cirelli. Just for the record, the State of the City is available online on the City's website if somebody wants to get a copy of it to read in full and I appreciate those comments. I also wanted to mention, for those of you who were not available to hear the speech. There was a little tid bit of information I came about that evening and I'll share it with Council. We had requested to Council to allow us to move forward on a Job Site Ready Program for the old Ford Plant and that came through a couple of weeks ago in reference to a proposal that our Development Department and CIC was working on. As of last Wednesday in a presentation they did with some representatives from Columbus to prior Monday, we were notified on Wednesday that the Ohio Department of Development has awarded us a half a million dollars towards that project, this is from a road work development account out of the Department of Development, separate from the Job Site Ready Program. So, while we're waiting for that Job Site Ready Grant to be processed, we just received a half a million more dollars to help us in our community. So, I wanted to share that with all of Council, that we're still working hard to bring money into our community to help us make things better across the board. So thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: If the whole body of Council and the Administration will indulge me, I would just like to personally thank everybody, all the Admin...the staff, all the...my peers, all the Administration for all their calls, their emails, flowers, their prayers mostly, while I was a nine day stay in the hospital, it was very much appreciated. And I think you'll get a kick out of it that I ended up with a diagnosis that's three times more likely in men than women. But as I told the doctors, that's because I work in a man's world. So, after six doctors and what have you, I'm about 85% better and will be on the mends and I just really want to thank everybody, the staff and everybody was very wonderful to accommodate me and the visits that came to the hospital and what have you.

PRESIDENT PRO TEM SMUCKLER: Where was your stay, what hospital Member Cirelli?

MEMBER CIRELLI: Aultman Hospital and by the way since you brought that up, I will be meeting with Mr. Roth shortly because I critiqued his hospital from nurse's standpoint.

PRESIDENT PRO TEM SMUCKLER: How was the security over there Member Cirelli? *(Laughter)*

MEMBER CIRELLI: Well you know what, I had a security man in my room three times. *(Laughter)*

PRESIDENT PRO TEM SMUCKLER: I don't want any details at all Member Cirelli. *(Laughter)* It doesn't pay to get a Resolution from us Member Dougherty. Mr. Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I wanted to answer the question that's come up Council a number of times and tonight by one of our speakers, in part. I don't know the entire answer as to why we select some of the homes we select for demolition and not others. I know we don't have enough money to take down all of the houses that really need to be taken down. But I can tell you this, from a legal point of view. One

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of the things that makes this Country one of the best on the planet is one of the things that is the most frustrating sometimes and it's called due process. Our Constitution and our Bill of Rights say that before anyone can be deprived of life, liberty or property, they have to have due process. They have to be notified, they have to have an explanation of why we want to take their property or their life away from them and they have to have an opportunity to respond. It takes awhile to do that. Once a home is determined to be questionable, the Chief Building Official or their designees have to determine that it's structurally unsound. If it's just plain ugly and nasty, it may not have to come down and we try to get the owners, if there are owners to comply with our owner occupancy code or our landlord code to bring it up to code if it's possible. Sometimes these homes that are decrepit, perhaps structurally unsound, if they're found to be unsound, belong to people who are disabled, live elsewhere, deceased and their kids are hard to trace or don't want to have anything to do with it. So, due process says, we as a City have to do the best we can to track the owner or the owners agent and tell them this home has been declared a nuisances, it's unsafe, it's structurally unsound and they have to demolition it or fix it. And again it starts all over, we don't have the money or we're legitimately ill or legitimately disabled, legitimately out of State. At some point, that comes to an end and the home is often taken down and if the bill, we again have to chase the folks for the bill or their agents. If they can't pay the bill, we assess it, Council finds it to be a lien and we send it to the County and say "Tack this on to their tax bill so that when the next owner buys it they're responsible for paying the cost of this demolition," sometimes there is no next owner and that lien sits out there a long time. So, it's frustrating for us too in terms of the Building Department, Law Department, Council...trying to track down scallywags and make them responsible for it. Again, I don't know, there are probably hundreds, maybe a thousand homes that are structurally unsound that could be fit for demolition. That determination is made by the Chief Building Official, not by Police and not by Lawyers. When that happens, there are many and I don't know to answer the question clearly, I don't know how we chose from the hundreds or thousand, the hundred or few hundred we can afford to take down. That's a policy decision that I think Council and the Administration are trying to work out. Because there are so many that could be taken down and not enough money to take them all down. And then there is the competing interest that Member Smuckler and others have brought up and that is sometimes we want to keep people in them. Sometimes we want to spend the money on rehab, I know Member West I think brought it up this evening and sometimes the folks in Community Development bring it up. There are...there is a philosophy that these homes should be fixed and people should be in them and paying taxes and taking care of yards and gardens. Sometimes people don't want to buy those homes and do that. So, it's a dilemma and we understand but again, from a legal point of view, we're trying to hasten the legal due process as well as we can.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: You're not going to adjourn are you? *(Laughter)* Okay, Member Dougherty.

MEMBER DOUGHERTY: No go ahead.

PRESIDENT PRO TEM SMUCKLER: Okay, Number one, this was left up here for me to make an announcement for the Fire Department, there will be 8 retirees will be honored at a banquet on May 20<sup>th</sup>, contact the Professional Fire Fighters' Association Local 249 if anybody would like to attend. I will point out that between all the retirees, there is 223 years of service here. Number two, Earth Day, where are you Viola? We're going to try this again, this coming Saturday at Nimisilla, if it doesn't rain, I hate to tell ya what the weather forecast is for Saturday, 10 AM to 8 PM, anyone that can please join us there, you're more then welcome. Going along with what the esteemed Law Director talked about tonight, Member Dougherty, myself, Member Hawk met with the



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Administration and...about the proverbial 95 homes/structures and there was a strong suggestion that there has to be some rhyme or reason how these structures get down here other than the Willy Nilly approach that they seem to have been coming down. And the Chief of Staff has assured us that he is going to work on, that there were be some rhyme or reason of how and why they show up down here from now on.

SERVICE DIRECTOR PRICE: Mr. President, it's essential that we're all on the same page here with this demolition program and using the planning expertise within the department, the advice of the experts that we have hired and who have been embedded with us by the Department of Housing and Urban Development, using the input of this Council, we will have a strategic list of demolitions and working with you, we're going to, you know, have as much impact on this community as possible and we will get that list done and we'll do it together and we'll have a great deal impact here in the City. Thank you.

PRESIDENT PRO TEM SMUCKLER: Last but certainly not least, over the twenty some years I've spent down here, there are certain people that qualify above others on the complaints that I've handled as people who are an outstanding part of Canton. There are some people that are my heros now. Tabitha to endure what you've had to endure in your lifetime and for what the City is helping compound on you, you are my hero. And my wife and I showing up there a few weeks ago and taking a look at this house, this beautiful house that Habitat did by the way. Beth, you've got a lot to be proud of from what you're putting together. But there's a message coming from some of these neighborhoods and the message is loud and clear and it's not safe and it's ugly. And I asked a few Council People to join me of taking what was left of the Communications Director's salary and put it into the money in the Safety Department to try to put more patrols in the neighborhoods. I think what we saw in the 13<sup>th</sup> and Plain area, what we've saw in you're area that we're way past that. We have \$700,000.00 in the unappropriated balance and we have a DROP Program that's going to retire eight policemen at the beginning of next year, at least. I've drafted a letter that I'm asking the rest of this Council to sign to be placed on the Agenda for next week. Dear Honorable Council President and Council Members: We are respectfully requesting that an Ordinance be drafted for the hiring of eight Canton Police Officers immediately. We currently have a \$700,000.00 unappropriated balance in the general fund. These monies should be used for the Safety Forces to protect the citizens of our fine City. This legislation should be enacted immediately to protect the safety and welfare of the citizens of Canton. I'm asking my colleagues to please join me in sponsoring this legislation to move the unappropriated balance into the Police Department so that the Tabitha Blackfords of the world don't continue to show up down here and their safe in their own home with their two kids. And I will be asking after the meeting to please step up here and please sign this legislation...sign this communication so legislation can be prepared to move this money. It's enough already, it's way past enough already. We need the police in the neighborhoods. We had 174 Policemen two years ago, we are now down to 159 Police Personnel. We need more Policemen in the neighborhoods. Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I just want to bring up one thing, it's been troubling and I don't want it to get any worse but we have to stick with our rules, okay? Public Speaks is very important and we've opened up our meetings a lot better, I think, gotten a lot of good comments about it. We want the public to speak, it's very important, that's what Public Speaks is about. We need to give them their 3 minutes and any of you can vote on more time for anybody that comes up here and speaks, okay? Those are the rules and we haven't been sticking to them. So, you know, I'll be talking to President Schulman and trying to get him to stay the course. Keep your comments to Miscellaneous Business so that we're not 5, 6 minutes into a speaker and we have other people signed up waiting and then they get 3 minutes. I want to be consistent with everybody, be fair across the board. This isn't anything attacking Member Smuckler about what happened tonight, I'm just....it's been happening on a regular basis and I just want the public to understand what our rules are and that we follow those, I would appreciate it. I move we adjourn.

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MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: You've heard the motion to adjourn. Is there any discussion. Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAY

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Council Meeting is adjourned. *(Gavel falls)* .

ADJOURNMENT TIME: 8:27 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

BILL SMUCKLER  
PRESIDENT PRO TEM